



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 16-1387

Released: December 14, 2016

WIRELINE COMPETITION BUREAU ANNOUNCES EFFECTIVE DATES OF BROADBAND PRIVACY RULES

WC Docket No. 16-106

In this Public Notice, the Wireline Competition Bureau announces the effective dates of certain broadband privacy rules and provides guidance to telecommunications carriers and interconnected VoIP providers on implementation of the requirements adopted in the *2016 Privacy Order*.¹

A summary of the *2016 Privacy Order*, FCC 16-148, was published in the Federal Register on December 2, 2016.² Pursuant to the implementation framework outlined in the *2016 Privacy Order*, except for the new data security requirements and certain other provisions subject to Paperwork Reduction Act (PRA) approval by the Office of Management and Budget (OMB), the provisions adopted in the *2016 Privacy Order* will become effective on January 3, 2017. The *2016 Privacy Order* provides that the data security obligations (new section 64.2005) will be effective on March 2, 2017. It also states that the new breach-notification requirements (new section 64.2006) will become effective the later of PRA approval or June 2, 2017 (6 months after Federal Register publication) and the notice and customer approval provisions (new sections 64.2003, 64.2004, and 64.2011(b)) will become effective the later of PRA approval or December 4, 2017 (12 months after Federal Register publication).³ Pursuant to the *2016 Privacy Order*, small providers will have an additional 12 months before the new notice and customer approval rules are effective.⁴

The *2016 Privacy Order* requires telecommunications carriers and interconnected VoIP providers that are subject to the existing rules to continue to comply with the substance of those rules until the new rules are in effect.⁵ We observe, however, that the *2016 Privacy Order* relieved telecommunications carriers and interconnected VoIP providers of the specific compliance recordkeeping and annual

¹ *Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, WC Docket No. 16-106, Report and Order, FCC 16-148 (rel. Nov. 2, 2016) (*2016 Privacy Order*).

² 81 Fed. Reg. 87274.

³ Pursuant to the *2016 Privacy Order*, the Wireline Competition Bureau will release a public notice after PRA approval, indicating that the rules are effective, and giving carriers a time period to come into compliance with those rules that is the later of eight weeks from the date of the public notice or June 2, 2017 (for the new data breach requirements) or December 4, 2017 (for the new notice and customer approval requirements).

⁴ See *2016 Privacy Order*, FCC 16-148, at paras. 321-23.

⁵ See *2016 Broadband Privacy Order*, FCC 16-148, at para. 310. The existing rules do not apply to broadband Internet access service providers. *Protecting and Promoting the Open Internet*, GN Docket No. 14-28, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601, 5823, para. 467 (2015).

certification requirements in existing section 64.2009, specifically subsections (c) and (e). Thus, once the *Order* becomes effective on January 3, 2017, telecommunications carriers and interconnected VoIP providers no longer will be required to comply with the requirements in subsections (c) and (e) of section 64.2009.

For further information, please contact Sherwin Siy, Competition Policy Division, Wireline Competition Bureau, at (202) 418-2783 or via email at sherwin.siy@fcc.gov.

- FCC -